



Linda S. Adams
Secretary for
Environmental Protection

California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment
State Water Resources Control Board • Regional Water Quality Control Boards



Arnold Schwarzenegger
Governor

Certified Mail: 7003 1680 0000 6174 9033

July 3, 2007

Mr. Kevin Smith
Fire Chief
City of El Segundo Fire Department
314 Main Street
El Segundo, California 90245

Dear Mr. Smith:

The California Environmental Protection Agency (Cal/EPA), Office of Emergency Services, Office of the State Fire Marshal, Department of Toxic Substances Control, and the State Water Resources Control Board conducted a program evaluation of the City of El Segundo Fire Department Certified Unified Program Agency (CUPA) on June 13 and 14, 2007. The evaluation was comprised of an in-office program review and field oversight inspections. The State evaluators completed a Certified Unified Program Agency Evaluation Summary of Findings with your agency's program management staff, which includes identified deficiencies, with preliminary corrective actions and timeframes, program observations and recommendations, and examples of outstanding program implementation.

The enclosed Evaluation Summary of Findings is now considered final and based upon review, I find that the City of El Segundo Fire Department's program performance is satisfactory with some improvement needed. To complete the evaluation process, please submit Deficiency Progress Reports to Cal/EPA that depict your agencies progress towards correcting the identified deficiencies. Please submit your Deficiency Progress Reports to Jennifer Lorenzo every 90 days after the evaluation date. The first deficiency progress report is due on September 12, 2007.

Cal/EPA also noted during this evaluation that the City of El Segundo Fire Department has worked to bring about a number of local program innovations, including their extensive hazardous materials and hazardous waste seminars for their regulated business community, their multi-agency hazardous material response drills for their industrial facilities, and their development of a "shelter-in-place" video for general community awareness in the event of a hazardous materials emergency. We will be sharing these innovations with the larger CUPA community through the Cal/EPA Unified Program web site to help foster a sharing of such ideas statewide.

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Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact your evaluation team leader or Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or by email at jbohon@calepa.ca.gov.

Sincerely,



Don Johnson
Assistant Secretary
California Environmental Protection Agency

Enclosure

cc: Mr. Steve Tsumura (Sent Via Email)
Environmental Safety Manager
City of El Segundo Fire Department
314 Main Street
El Segundo, California 90245

Mr. Terry Snyder [SWRCB Evaluator] (Sent Via Email)
State Water Resources Control Board
P.O. Box 944212
Sacramento, California 94244-2102

Mr. Francis Mateo [OSFM Evaluator] (Sent Via Email)
Office of the State Fire Marshal
P.O. Box 944246
Sacramento, California 94244-2460

Mr. Mark Pear [DTSC Evaluator] (Sent Via Email)
Department of Toxic Substances Control
700 Heinz Avenue, Suite 210
Berkeley, California 94710-2721

Mr. Fred Mehr [OES Evaluator] (Sent Via Email)
Governor's Office of Emergency Services
P.O. Box 419047
Rancho Cordova, California 95741-9047

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cc: Ms. Terry Brazell (Sent Via Email)
State Water Resources Control Board
P.O. Box 944212
Sacramento, California 94244-2102

Mr. Kevin Graves (Sent Via Email)
State Water Resources Control Board
P.O. Box 944212
Sacramento, California 94244-2102

Mr. Charles McLaughlin (Sent Via Email)
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200

Ms. Vickie Sakamoto (Sent Via Email)
Office of the State Fire Marshal
P.O. Box 944246
Sacramento, California 94244-2460

Mr. Brian Abeel (Sent Via Email)
Governor's Office of Emergency Services
P.O. Box 419047
Rancho Cordova, California 95741-9047

Mr. Mickey Pierce (Sent Via Email)
Department of Toxic Substances Control
700 Heinz Avenue, Suite 210
Berkeley, California 94710-2721



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CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION SUMMARY OF FINDINGS

CUPA: CITY OF EL SEGUNDO FIRE DEPARTMENT

Evaluation Date: June 13 and 14, 2007

EVALUATION TEAM

Cal/EPA: Jennifer Lorenzo
DTSC: Mark Pear
OES: Fred Mehr
OSFM: Francis Mateo
SWRCB: Terry Snyder

This Evaluation Summary of Findings includes the deficiencies identified during the evaluation, program observations and recommendations, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management. Questions or comments can be directed to Jennifer Lorenzo at (916) 327-9560.

Preliminary Corrective

	<u>Deficiency</u>	<u>Action</u>
1	Based on the Annual Single Fee Summary Reports for the last three fiscal years (FY), the CUPA is not accurately reporting the single fee amounts billed and collected and/or the total number of regulated businesses. For example, the amounts reported for single fee billed and collected for FY 03/04 and FY 05/06 were the total amount of state surcharge fees billed and collected. For FY 04/05, the total amount of single fee collected was reported for the single fee billed. Additionally, the total number of regulated businesses reported for FY 04/05 and FY 05/06 also included businesses that were not regulated under any of the Unified Program elements. CCR, Title 27, Section 15290 (a)(1)(A) and (E) [Cal/EPA]	By September 30, 2007, the CUPA will ensure that the information reported on the Annual Single Fee Summary Reports is correct.
2	Based on the Summary Reports, the CUPA is not accurately reporting Return to Compliance (RTC) on their Annual Inspection Summary Report 3. The primary reason for the inaccurate reports has been due to data system related issues. CCR, Title 27, Section 15290 (a)(2) [Cal/EPA]	By August 13, 2007, the CUPA will meet with the DMS Workgroup on updating and improving the data management system (DMS). By September 30, 2007, the CUPA will ensure that the RTC information reported on the Annual Inspection Summary Report is accurate.

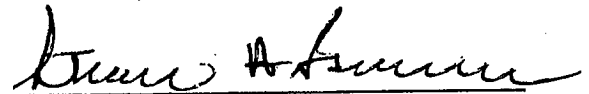
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3	<p>Based on the Summary Reports, the CUPA is not accurately reporting enforcement actions taken on their Annual Enforcement Summary Report 4 for the past three fiscal years. The primary reason for the inaccurate reports has been due to data system related issues.</p> <p>CCR, Title 27, Section 15290 (a)(3) [Cal/EPA]</p>	<p>By August 13, 2007, the CUPA will consult with the database developer for assistance to improve the DMS. By September 30, 2007, the CUPA will ensure that the enforcement actions reported on the Annual Enforcement Summary Report are correct.</p>
4	<p>The CUPA failed, in one instance, to take formal enforcement in a manner consistent with state law. During the July 27, 2005, inspection of Anachem Laboratories located at 140 Standard Street, it was noted among other violations cited that waste solvents were stored onsite since 2001.</p> <p>HSC, Chap. 6.5, Sections 25110.8.5 and 25117.6 CCR, Title 27, Section 15200(a)(8) and CCR, Title 22, Section 66260.10 and E0-02-003-PP [DTSC]</p>	<p>The CUPA has corrected this deficiency.</p> <p>The CUPA had recognized the lack of administrative enforcement and has already begun issuing and settling several AEOs.</p>

CUPA Representative

STEVE H. TSUMURA

(Print Name)

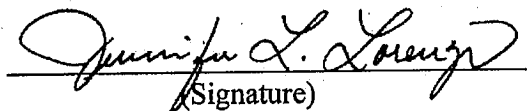


(Signature)

Evaluation Team Leader

JENNIFER L. LORENZO

(Print Name)



(Signature)

PROGRAM OBSERVATIONS AND RECOMMENDATIONS

The observations and recommendations provided in this section address activities the CUPA are implementing and/or may include areas for continuous improvement not specifically required of the CUPA by regulation or statute.

1. **Observation:** The CUPA's last customer service survey was conducted in FY 01/02.

Recommendation: The CUPA is encouraged to continue to have their customer service survey readily available at the CUPA's office or via website.

2. **Observation:** The CUPA staff is currently composed of one full-time staff member (Mr. Steve Tsumura, the Environmental Safety Manager and the CUPA manager) and an administrative assistant that is devoted to the CUPA program for a third of the assistant's time. The CUPA manager essentially conducts the basic functions of the entire CUPA program for the City of El Segundo. The CUPA will be recruiting a temporary student assistant by the end of June 2007 to assist with some basic functions of the CUPA, including storm water and industrial wastewater inspections.

Recommendation: To ensure the sustainability of the CUPA program within the City of El Segundo due to an unsuspected, unforeseen, abrupt vacancy of the CUPA manager's position, or to maintain the basic functions of the CUPA program due to an extended absence of the CUPA manager, the CUPA is encouraged to cross-train staff or devote additional resources to the CUPA program.

3. **Observation:** A few of the facility files reviewed contained inspection reports with minor violations and no evidence of RTC. However, when facility files were reviewed using the database system, the facilities were shown to have complied based on re-inspections.

Recommendation: While the public has no access to the CUPA's DMS, the CUPA is encouraged to include the re-inspections dates as proof of RTC for minor violations cited in their facility files until such time that the CUPA maintains all of its facility files electronically.

4. **Observation:** The phone number (916) 262-1621 in the Consolidated Contingency Plan template form is no longer a primary number for the State Warning Center.

Recommendation: The new OES Warning Center phone number is (916) 845-8911.

5. **Observation:** Some of the business plan program elements were missing from the standard operating procedure (SOP) package and not readily available to other City of El Segundo Fire Department staff members. Since the CUPA program is essentially managed by only one person, Mr. Tsumura, this could cause conflict with the business plan and CalARP program elements if Mr. Tsumura were out sick, for example.

Recommendation: The SOP should include public inspection of files, confidential information request, and trade secrets procedures.

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6. **Observation:** The CUPA inspector failed to document during the June 12, 2007, monitoring certification inspection that consent had been granted by the owner/operator to enter his place of business to conduct an underground storage tank (UST) inspection. The inspection checklist does not provide a place to note an owner's consent on the form.

Recommendation: The SWRCB strongly encourages the CUPA to include a checkbox and space in the inspection checklist to note an owner/operator's consent and name. Documentation of consent only serves to strengthen any potential enforcement case defeating any potential challenge that the fourth amendment may have been abridged.

7. **Observation:** The UST Inspection checklist does not identify Significant Operational Compliance (SOC) items or provide for a summary of these items for tracking purposes.

Recommendation: Provide a means for determining SOC compliance during the inspection and provide a means for tracking compliance in order to provide data for the Quarterly UST Report 6.

8. **Observation:** The CUPA was able to demonstrate that all complaints, which were referred by DTSC from July 1, 2004, to June 1, 2007, were investigated. Follow-up documentation could be found for Complaint No. 07-0407-0214.

Recommendation: Ensure that all complaints are being received by the CUPA from DTSC by providing the e-mail address of the person who should receive complaints to the complaint coordinator [slaney@dtsc.ca.gov]. Investigate and document all complaints referred. Investigation does not always entail inspection, as many issues may be resolved by other means such as a phone call. In any instance, all investigations should be documented, either by inspection report or by "note to file" and placed in the facility file. Please keep up the good work and continue to notify the complaint coordinator of the disposition of all complaints.

9. **Observation:** There is a difference of approximately 39 facilities between what the CUPA has reported in its latest inspection summary report for FY 05/06 and the total number of businesses manifesting off hazardous waste with active EPA ID numbers listed in the DTSC's Hazardous Waste Tracking System (HWTS).

Recommendation: The CUPA should reconcile its hazardous waste generator database providing a total of 98 facilities with that of the DTSC's HWTS indicating a total of 137 facilities.

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EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

1. Mr. Steve Tsumura has continued to implement and maintain an excellent Unified Program for the City of El Segundo. Mr. Tsumura remains to be the foundation of El Segundo City CUPA. He demonstrates his dedication for environmental protection and public safety through his personal efforts in coordinating with CalARP and other high risk businesses in El Segundo. He also maintains an excellent rapport with his regulated business community.

In addition to his basic duties as the Environmental Safety Manager and CUPA manager, overseeing all of the six Unified Program elements, including the administration of and meeting all of the inspection frequencies of the business plan, CalARP, UST, and hazardous waste generator programs, Mr. Tsumura has also continued as the chairman of the Local Emergency Planning Committee (LEPC) for Region 1 for 10 years. In 2006, the CUPA was presented with the U.S. EPA Region 9 Recognition Award for LEPC Region 1. Recently, on June 12, 2007, at the 2007 National Notable Achievement Awards Ceremony in Washington, D.C., LEPC Region 1 was bestowed with the Chemical Emergency Preparedness and Prevention (CEPP) State Partner Award. Mr. Tsumura is also the Treasurer of the local Beach Cities Community Awareness and Emergency Response (CAER) Association.

The CUPA manager also provides training to various facilities and agencies on a regular basis. For example, he has conducted the HAZWOPER Refresher training classes at the annual CUPA conference for the past five years. Mr. Tsumura has actively participated in other trainings and conference panel sessions which include Risk Management Plan (RMP), CalARP, and emergency response in previous CUPA conferences.

Mr. Tsumura has exceeded his once every three years inspection frequency relating to CalARP and the business plan programs. He has completed 257 inspections on over 220 identified business plan facilities and nine CalARP inspections of the eight identified facilities. This is an outstanding effort for a one-man show to accomplish and shows tenacity for accomplishment with an additional five other Unified Programs competing for his time. In September 2006, the CUPA manager has also participated in joint U.S. EPA RMP inspection of the Chevron facility.

On June 12, 2007, Mr. Tsumura conducted the UST site inspection in a thorough and professional manner. His attention to detail and knowledge of code and regulations resulted in an excellent inspection. Steve required the service technician to test for striker plates at the bottom of the fill tubes. He also worked diligently with the facility operator to submit all the required paperwork.

2. The CUPA has demonstrated remarkable coordination and communication with the regulated business community. Since August 2005, the CUPA has conducted at least three extensive hazardous materials and hazardous waste seminars for regulated businesses. The seminars included universal waste regulations, hazardous materials notification guidance, federal and state manifesting requirements, the use of MSDS information and shelter-in-place protocol, and updating the regulated business community about legislative updates.

The CUPA also conducts multi-agency hazardous material response drills with the participation of various industrial facilities on a regular basis.

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The CUPA has maintained excellent coordination and communication with other CUPAs through participation in the Los Angeles County CUPA Coordinating Committee (LAC4) and the LEPC Region 1. Both the LAC4 and LEPC meet once every other month.

The CUPA continues to work closely and effectively with other agencies including the Mayor's office, police department, City Manager's office, local medical facilities, local Air Quality Management District, and private sector response teams identified through the Beach Cities Community Awareness and Emergency Response (CAER) Association to ensure timely coordinated hazardous materials incident responses.

3. The CUPA has successfully adopted and fully implemented the administrative enforcement order (AEO) process since January 2007, which has been reviewed and approved by the City Attorney. The CUPA has initiated at least five AEOs since January 2007. Additionally, the CUPA has also begun to attach draft AEOs along with their annual mail package requests for recertification of business plan facilities. If the CUPA does not receive the recertification statement of "no change" or a revised business plan by the March deadline, then the CUPA will issue a final AEO to the business by July 9.

The CUPA has successfully settled the following AEO cases:

- a. The El Segundo City Fire Department settled an AEO against Tri-Star Electronics International, Inc., for \$500 for the facility's illegal storage of hazardous waste beyond 90 days and for its failure to properly train its employees in the handling of hazardous waste. Facility personnel were required to complete coursework at the California Compliance School as part of the settlement agreement thru Bakersfield Community College.
- b. The El Segundo City Fire Department settled an AEO against Equinix, Inc., for \$1,000 for the facility's failure to conduct monthly inspections of two 30,000-gallon diesel USTs between September 2005 and June 2006.
- c. The El Segundo City Fire Department issued an AEO against Airport Five Star, Inc., for \$3,000 for the facility's (1) failure to conduct continuous monthly inspections of two 12,000-gallon motor vehicle fuel USTs and one hazardous waste oil UST between January 2005 and September 2006, (2) failure to submit a revised application or renewal upon change of UST ownership, (3) failure to submit evidence of financial responsibility, (4) failure to submit a complete monitoring system certification, (5) failure to submit an annual chemical inventory, and (6) failure to label hazardous waste containers.
- d. The El Segundo City Fire Department settled an AEO against Jim & Jack's Inc. for \$500 for the facility's (1) storage of uncovered liquid hazardous waste in containers, (2) failure to label containers, (3) failure to conduct weekly inspections, (4) failure to properly train its employees, and (5) storage of hazardous waste beyond 90 days.
- e. The El Segundo City Fire Department settled an AEO against Wyle Laboratories for \$1,500 for the facility's (1) illegal storage of hazardous waste in containers beyond 90 days onsite, (2) failure to train its employees managing hazardous waste, (3) failure to

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properly label containers of hazardous waste, (4) failure to conduct weekly inspections, (5) failure to submit a revised business plan from the date of the operational change of storing flammable mineral spirits, and (6) failure to label universal waste with accumulation dates.

4. In addition to overseeing the Unified Program, the CUPA also oversees the industrial wastewater pretreatment and storm water regulation for the City of El Segundo.
5. Using a grant received from OES, the CUPA developed an informational DVD for the community entitled "Shelter-in-Place" both in Spanish and in English in conjunction with CAER's goals of community awareness and emergency response during hazardous materials emergencies. In addition, a website was developed under the same grant to educate the public and collect data for a Community Alert Network.
6. Although the CUPA does not have the regulated authority to close facilities and ensure proper cleanup and remediation, the CUPA effectively uses the California Fire Code regulation (Article 80, Section 8001.13.3) for facility closures.
7. The El Segundo City Fire Department has developed an informative website providing a directory of services, information bulletins on fire and life safety codes, Unified Program Consolidated Forms, Unidocs inspections forms, and answers to frequently asked questions concerning hazardous materials and disaster preparedness.